

PSJ2 Exh 95

Highly Confidential - Subject to Further Confidentiality Review

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL PRESCRIPTION) No. 17-md-2804
5 OPIATE LITIGATION NO. 2804)
6)
7 APPLIES TO ALL CASES) Hon. Dan A. Polster
8)

9
10 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
11 CONFIDENTIALITY REVIEW

12 VIDEO DEPOSITION OF DEMIR BINGOL

13
14 January 17, 2019
15 9:05 a.m.

16
17 Reporter: Mark Arndt, CSR, CCR, RPR
18 CSR No. 084-004711
19 CCR No. 1398

1 This served as a welcome third option for patients who
2 weren't getting the relief they needed.

3 Q. Okay. Next bullet point discusses engage
4 KOL to legitimize messages. Is that a reference to
5 what we discussed earlier in terms of your use of KOLs
6 in connection with the promotion of Opana ER?

7 MR. LIMBACHER: Object to form.

8 A. Using KOLs as thought leaders -- they had
9 a broad network and a broad following, and if they
10 were -- as they work with you, it brings more
11 credibility to the message.

12 Q. (By Ms. Scullion) So that could help
13 legitimize the message that Endo wanted to send to
14 the market about Opana ER, for example?

15 A. It would help legitimize the need and
16 the utility of our product in those appropriate
17 patients.

18 Q. It would also help legitimize the
19 message; correct?

20 MR. LIMBACHER: Object to form.

21 A. That is the message, that for patients who
22 are undertreated or not be able to get the pain relief
23 they made with the adverse event profile they might be
24 able to tolerate, that there's another option.

1 Q. And do you agree that as of February 2010
2 Endo could drive business with speaker programs?

3 MR. LIMBACHER: Object to form.

4 A. Yes. The purpose of a speaker program was
5 to educate clinicians on the appropriate use of the
6 product along with all its inherent safety risks, and
7 of course we invested in those kinds of educational
8 programs in the hope that clinicians would include it
9 in their choice set for the appropriate patient.

10 Q. (By Ms. Scullion) Yeah. And then in
11 the -- as Mr. Kellens has indicated -- a measurable
12 return on investment for the speaker programs; correct?

13 MR. LIMBACHER: Object to form.

14 A. That's what he wrote.

15 Q. (By Ms. Scullion) Okay. Did you see a
16 measurable return on investment for the speaker
17 programs for Opana ER?

18 A. I don't recall specific analysis, but you
19 can see in weekly data switching that occurs, whether a
20 clinician has started writing less of one competitor
21 and more of yours through IMS data, so it's not
22 difficult to see prescribing patterns changing. You
23 don't always know why and you don't always know which
24 promotional tactic works, so it's very difficult

1 MR. LIMBACHER: Object to form and
2 foundation.

3 A. Yes.

4 Q. (By Ms. Scullion) Okay. Did you ever
5 have responsibilities with respect to Endocet?

6 A. No.

7 Q. Do you know which group within Endo did
8 have responsibilities for Endocet during that time
9 period?

10 A. I don't recall specifically. I assume it
11 was the generic division.

12 Q. During the time that you were with Endo
13 starting back in 2006, at the very beginning of your
14 time with Endo, was Endo also selling generic version
15 of OxyContin?

16 A. I don't recall. I don't remember that.

17 Q. Are you aware whether Endo had sold at
18 some point in time a generic version of OxyContin?

19 MR. LIMBACHER: Object to form.

20 A. I don't recall that.

21 Q. (By Ms. Scullion) Okay. Safe to say you
22 did not have responsibility for such -- that product if
23 they did sell it; right?

24 A. I didn't have responsibility for any --

1 that kind of product at all. No.

2 Q. Okay. Okay. Going to the first bullet
3 point under your description of your time at Endo. You
4 say successfully launched the Opana brand in 2006,
5 building it into a 600 million dollar franchise and
6 becoming the Number Two product in its market segment.
7 Safe to say that your work on the Opana brand was
8 successful?

9 MR. LIMBACHER: Object to form.

10 A. It was -- yes, it was successful as far as
11 I was concerned. A relatively percentage of the
12 overall market.

13 Q. (By Ms. Scullion) It did build up to a
14 600 million dollar franchise; correct?

15 MR. LIMBACHER: Object to form.

16 A. Yes.

17 Q. (By Ms. Scullion) Okay. And through the
18 marketing promotion efforts, it did become Number Two
19 product in the market segment, at least; correct?

20 A. Correct.

21 Q. And in fact, as you go on to state, at
22 least for four full years running, 2007 to 2010, under
23 your leadership the Opana brand exceeded its net sales;
24 correct?